

typographical error.

Claim of foreign priority under 35 U.S.C. §119

On page 3 of the Notice, the Examiner also points out that the claim of priority to the PCT application is defective in that PCT/US96/04407 does not appear to designate any foreign country. Applicants respectfully submit that PCT/US96/00407, published on October 3, 1996 as International Publication No. WO 96/30031, clearly designates Canada, Japan, and the European patents states, as well as the United States, on its face. Applicants submit herewith a true and correct copy of the front page of PCT/US96/04407 (WO 96/30031) demonstrating the designation of foreign countries thereupon.

Accordingly, Applicants respectfully request that foreign priority be accorded to the present application as set forth in the Declaration and Power of Attorney submitted herewith.

Summary

Applicants respectfully submit that claims 19 and 20 are in condition for allowance and that foreign priority to PCT/US96/04407 is proper and should be accorded.

Respectfully submitted,

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January 24, 2003  
(Date)

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Enclosures: (corrected Declaration and Power of Attorney signed by all inventors; copy of front page of WO 96/30031)

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(54) Title: ISOLATED STROMAL CELLS AND METHODS OF USING THE SAME

(57) Abstract

Methods of treating patients who are suffering from a disease, disorder or condition characterized by a bone cartilage or lung defect are disclosed. The methods comprising the step of intravenous administration of stromal cells isolated from normal syngeneic individuals or intravenous administration of stromal cells isolated from the patient subsequent to correction of the genetic defect in the isolated cells. Implant devices comprising a container that has at least one membrane surface and stromal cells isolated from bone marrow that comprise a gene construct are disclosed. The gene construct in the stromal cells comprises a nucleotide sequence that encodes a beneficial protein operably linked to regulatory elements which function in stromal cells. Methods of treating individuals with diseases, disorders or conditions which can be treated with a beneficial protein, including diseases, disorders or conditions characterized by gene defects are disclosed. The methods comprise introducing into such individuals, stromal cells that are administered in a manner that physically isolates them from the recipient's immune system and that comprise a gene construct that comprises a nucleotide sequence that encodes a beneficial protein operably linked to regulatory elements which function in stromal cells.